

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: CMC / 162

Applicant: Marc Elliot Rothenberg

Title: REGULATION OF ALLERGEN INDUCED GENE

17302 U.S. PTO
10/759658**CERTIFICATE OF MAILING BY EXPRESS MAIL - 37 CFR 1.10**'Express Mail' mailing label number: EV354970823USDate of Deposit: January 16, 2004

I certify that this paper or fee (along with the enclosures noted herein) is being deposited with the United States Postal Service 'Express Mail Post Office to Addressee' service under 37 CFR 1.10 on the above date and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Beverly A. Lyman
By: Beverly A. Lyman (person mailing paper)

UTILITY PATENT APPLICATION TRANSMITTAL

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a request for filing, under 37 CFR § 1.53(b), a(n):

- ☒ **Original (non-provisional) application.**
- ☒ **Claims priority to prior provisional application Serial No. 60/440,922, filed on January 18, 2003.**
- ☐ Continuation of prior application Serial No. __, filed on __.
- ☐ Continuation-in-part of prior application Serial No. __, filed on __.

For Divisional and Continuation applications ONLY:

- ☐ Copy of Executed Declaration, Power of Attorney and Petition Form from parent application is enclosed (as noted below in Enclosures).
- ☐ Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

For all Divisional, Continuation and Continuation-in-part applications:

- ☐ Small Entity Status was requested in the prior application, and small entity status is still proper and desired.
- ☐ This application is assigned to __ by virtue of an earlier assignment filed in the prior application at Reel __, Frame __.

PRELIMINARY AMENDMENT/CALCULATION OF FEES

- ☐ Please cancel claims __ without prejudice, and prior to calculating the fees. __ total claim(s), of which __ is(are) independent, is(are) pending after the amendment.
- ☐ Please enter the enclosed preliminary amendment identified below prior to calculating the fees. __ total claim(s), of which __ is(are) independent, is(are) pending after the amendment.

- ☒ **Small Entity Status is Requested**
- ☒ **The Fees are Calculated as Follows:**

| Fee: | Number of Claims: | In Excess of: | Extra: | At Rate: | Amount: |
|---|-------------------|---------------|--------|----------|-----------------|
| Total Claims | 32 | 20 | 12 | \$18 | \$216.00 |
| Independent Claims | 5 | 3 | 2 | \$86 | \$172.00 |
| MULTIPLE DEPENDENT CLAIM FEE | | | | | |
| BASIC FEE | | | | | \$770.00 |
| TOTAL OF ABOVE CALCULATIONS | | | | | \$1,158.00 |
| REDUCTION BY 50% FOR FILING BY SMALL ENTITY | | | | | \$579.00 |
| TOTAL | | | | | \$579.00 |

ENCLOSURES

- ☒ **Utility Patent Application Transmittal Form (in duplicate) containing Certificate of Mailing By Express Mail Under 37 CFR 1.10.**
- ☒ **Return Postcard.**

APPLICATION PAPERS

- ☒ **Utility Patent Application, with: cover sheet, 36 page(s) specification (including 32 total claim(s), of which 5 is(are) independent, and 1 page(s) abstract).**
- ☒ **Drawings: 17 sheet(s) of formal drawings (40 total figure(s)).**
- ☐ Microfiche Computer Program (Appendix).
- ☐ Nucleotide and/or Amino Acid Sequence, including (all are necessary): Computer Readable Copy, Paper Copy (identical to computer copy), and Statement verifying identity of copies.
- ☒ **An Unsigned Declaration, Power of Attorney and Petition Form.**
- ☐ Copy of Executed Declaration, Power of Attorney and Petition Form from prior application identified above.
- ☐ Certified Copy of priority document(s) identified as attached above.

ADDITIONAL PAPERS

- ☐ Assignment to __, Recordation Cover Sheet (Form PTO-1595)
- ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i)
- ☐ Preliminary Amendment (to be entered prior to calculation of fees)
- ☐ Information Disclosure Statement, __ sheet(s) Form PTO-1449, __ U.S. Patent Reference(s), __ Foreign Patent Reference(s) and __ Other Reference(s)
- ☒ **Other: Petition Under 37 CFR §1.84(a)(2) with 3 sets of color drawings**

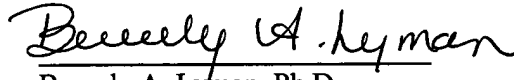
CHECKS

- ☐ A Check of __ for the filing fee.
- ☐ A Check of __ for the assignment recording fee.

DEPOSIT ACCOUNT AUTHORIZATION

- ☒ Please charge Deposit Account No. 23-3000 in the amount of \$579.00 for the filing fee and \$130.00 for the Petition fee..
- ☐ The Commissioner is authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of the application, or credit any overpayment, to Deposit Account No. 23-3000. A duplicate of this transmittal is attached.
- ☐ THE PAYMENT OF FEES IS BEING DEFERRED.
-

Respectfully Submitted,


Beverly A. Lyman, Ph.D.
Reg. No. 41,961

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited via Express Mail to the Commissioner in the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313 on January 16, 2004

Janet A. Walker January 16, 2004
Janet A. Walker Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Rothenberg
Application No.: Unknown
Filed: January 16, 2004
Art Unit: Unknown
Confirmation No.: Unknown
Examiner: Unknown
Title: **REGULATION OF ALLERGEN INDUCED GENE**
Atty. Docket No.: CMC-162

Cincinnati, OH 45202

January 16, 2004

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

01/22/2004 KBETEMAI 00000021 10759658
01 FC:1460 130.00 DA

Sir:

PETITION UNDER 37 CFR § 1.84(a)(2)

Applicant hereby files this Petition Under 37 CFR § 1.84(a)(2) and request acceptance of the color drawings (three sets of Figures 4C-4E, 5A-5B, 6A-6C, and 7A-7D) attached hereto. Applicants submit that these color photographs are necessary to enhance the quality of Figs. 4C-4E, 5A-5B, 6A-6C, and 7A-7D. (See the black and white copies, also attached.)

The amount of \$130.00, as set forth under 37 CFR § 1.17(h) is owed with this Petition. Applicant believes that no additional fee is due. The Examiner is authorized to charge that fee and any additional fee or surcharges deemed due, to Deposit Account No. 23-3000.

01/22/2004 KBETEMAI 00000021 233000 10759658
01 FC:1460 130.00 DA

The Examiner is invited to contact the undersigned attorney with any questions.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

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